



County of Los Angeles  
**CHIEF ADMINISTRATIVE OFFICE**

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012  
(213) 974-1101  
<http://cao.co.la.ca.us>

DAVID E. JANSSEN  
Chief Administrative Officer

November 16, 2004

Board of Supervisors  
GLORIA MOLINA  
First District

YVONNE B. BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**FUNDING RECOMMENDATIONS TO IMPLEMENT CORRECTIVE ACTION AT  
PROBATION JUVENILE HALLS PURSUANT TO DEPARTMENT OF JUSTICE (DOJ)  
SETTLEMENT AGREEMENT (ALL AFFECTED) (3 VOTES)**

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Approve the attached appropriation adjustment to transfer \$6,856,000 from the Provisional Financing Uses (PFU) budget to provide funding for the Departments of Health Services (DHS), Mental Health, (DMH) and Probation to implement corrective action to address DOJ's concerns related to confinement practices, health, mental health, and education services provided to minors at juvenile halls, pursuant to a Board-approved settlement agreement with the DOJ.
2. Approve the accompanying ordinance amending Title 6, Salaries, of the Los Angeles County Code to add, and authorize filling of, 138 additional positions.
3. Instruct the Probation Department to work with County Counsel, DHS, DMH, the Los Angeles County Office of Education (LACOE), and any other affected County department or agency, to submit quarterly status reports to the Board on the progress of the plan.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS**

On August 10, 2004, your Board approved a settlement agreement with the DOJ related to their investigation of services provided to minors at the County's three juvenile halls. The agreement was fully executed by the DOJ on August 24, 2004. Pursuant to the settlement agreement, the Monitoring Team will conduct its initial visit of the juvenile halls by February 24, 2005, which is six months from the effective date of the agreement, and will evaluate the extent to which compliance with the agreement has been achieved.

DOJ Monitoring team members will visit the facilities at least quarterly until substantial compliance is achieved.

A compliance plan to address the 48 areas of concern has been developed by the DHS, DMH, Probation, and the LACOE. The purpose of the recommendations is to provide funding to enable the implementation and monitoring of the plan. The recommendations assume immediate implementation, and include eight months of funding for FY 2004-05, to provide for 137.1 additional budgeted positions necessary to implement the plan. Attached are summaries of the plan cost estimates (Attachment I) and the recommended additional positions (Attachment II).

The recommendations include an ordinance (Attachment III) amending Title 6 of the County Code to reflect ordinance authority for positions to enable the implementation of the action plan.

#### **Implementation of Strategic Plan Goals**

The requested Board actions are consistent with the Countywide Strategic Plan Goals as follows: Goal #2, Workforce Excellence - enables an increase in Probation and DHS positions and provides additional staff training to enhance the quality and productivity of services provided by these departments to detained probation minors; #3, Organizational Effectiveness - provides for the development and implementation of an action plan designed to improve the efficiency and effectiveness of services provided to detained minors through the delivery of goal-oriented tasks; Goal #4, Fiscal Responsibility - enables the investment of funds to enhance services provided to youth under the care and custody of the County, while mitigating potential exposure to litigation; Goals #5, Children and Families' Well-being; and #7, Health and Mental Health - enables funding to improve the delivery of education, health, mental health, and probation services to detained minors.

#### **FISCAL IMPACT/FINANCING**

On September 28, 2004, your Board set aside \$10,100,000 in on-going funding in the PFU budget for this purpose. Based on implementation to begin immediately upon Board approval, the plan for the 2004-05 fiscal year will utilize \$6,856,000 of the \$10,100,000 to provide 8 months of funding. The remaining balance of \$3,244,000 will be retained in PFU to provide full-year funding for this program in FY 2005-06.

The attached appropriation adjustment (Attachment IV) transfers \$6,856,000 to the Probation Department to fund enhanced service level by Probation, DMH, and DHS. It also provides \$2,194,000 increased appropriation to DHS and \$900,000 increased appropriation to DMH to allow sufficient expenditure authority for the additional services, fully offset by intrafund transfer from Probation. Total additional appropriation for all affected departments is \$9,950,000, offset by intrafund transfer of \$3,094,000 for a total net County cost transfer from PFU of \$6,856,000.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

In November 2000, the DOJ initiated an investigation regarding the three juvenile halls. The DOJ informed your Board of its findings in an April 9, 2003 letter, which included 66 recommendations related to deficiencies in juvenile confinement practices, mental health services, medical care, sanitation, and education policies.

On July 6, 2004, the impacted agencies and the CAO formalized a commitment towards this effort via the attached memorandum of understanding (Attachment V). Although Probation is the designated lead coordinating agency, the CAO will monitor the agreement and facilitate the required actions to ensure continued compliance with the memorandum of understanding.

On August 10, 2004, your Board approved a settlement agreement with the DOJ to address 43 provisions related to services provided by Probation, DHS AND DMH, and an additional five provisions related to the LACOE. The agreement provides the County and LACOE an opportunity to address the concerns over a three-year period. On August 24, 2004, the DOJ fully executed the settlement agreement.

Of the 43 County Department areas, approximately 26 are in substantial compliance with the agreement and LACOE is compliant with four of five areas, due to the agencies working collaboratively over the past three years to address 302 concerns outlined by the DOJ during their initial investigation in November 2000. The requested funding will enable the County departments to maintain on-going compliance in the 26 areas where compliance has been achieved, and will assist the agencies in attaining compliance in the 17 remaining areas. The LACOE compliance plan is funded separately from their own resources.

### **Department of Health Services**

The DHS has implemented many of the DOJ recommendations of April 9, 2003. To comply with remaining DOJ recommendations, an annual requirement of \$3.2 million and

54.1 budgeted positions are recommended. Staffing is comprised of clinical nurses, pharmacists, pharmacy technicians, optometrists, ophthalmologists, medical records staff and clerical support.

#### Department of Mental Health

Mental Health has implemented most of the DOJ recommendations of April 9, 2003; however, concerns remain regarding staffing levels. The Department requires \$1.3 million and 17.0 budgeted positions to address remaining DOJ staffing issues. Staffing includes psychiatric social workers, psychologists and clerical support.

#### Probation Department

An additional annual requirement of \$2.7 million and 38.0 budgeted positions have been identified by the Probation Department. In addition, the Department is currently absorbing \$2.2 million and 39.0 positions where staff was redirected from other programs to address DOJ concerns. Since staffing level remained an issue in the April 9, 2003 report, we recommend funding the additional 38.0 budgeted positions and backfilling the existing 39.0 budgeted positions for a total of 77.0 positions.

#### Quality Assurance Unit

Board staff, the DOJ, and County Counsel have recommended that central monitoring be established to ensure departmental compliance with the implementation plans. These recommendations include an audit compliance team to be housed at the Probation Department under the direction of an existing Senior Probation Director and is comprised of 6.0 positions: 1.0 Supervising Psychiatric Social Worker from DMH; 1.0 Assistant Nursing Director, Administration from DHS; and four from Probation, including 3.0 Supervising Detention Services Officers, and 1.0 Intermediate Typist-Clerk.

#### DOJ Contract Monitors

The 2004-05 recommended funding includes \$350,000 to provide for DOJ monitors, including a lead project monitor as required pursuant to the settlement agreement. The team will include subject matter experts in the fields of psychiatry, mental health, medicine, safety and sanitation, and juvenile programs, and an education expert funded by the LACOE.

The monitoring team members will visit the juvenile halls at their discretion, and will report to the DOJ on compliance status. The \$350,000 estimate is intended as the maximum annual amount, assuming the DOJ contract consultant rate range of \$125-\$150 per hour plus air fare and lodging expenses.

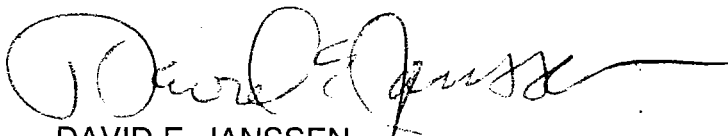
**CONTRACTING PROCESS**

Our funding recommendations include an estimated annual maximum amount of \$350,000 to contract with the DOJ for a monitoring team, which pursuant to the settlement agreement will be selected by the DOJ under their procurement policies. Any other necessary contracting will be conducted in accordance with County contracting policies and procedures.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The recommended funding will provide staffing resources necessary to implement an action plan to increase the level of health, mental health, probation, and education services to minors detained at juvenile halls, in accordance with the DOJ settlement agreement approved by your Board on August 10, 2004.

Respectfully submitted,



DAVID E. JANSSEN  
Chief Administrative Officer

DEJ:DL  
ES:AL:lbm

Attachments (5)

- c: Violet Varona-Lukens, Executive Officer, Board of Supervisors
- Raymond G. Fortner, Jr., Chief Deputy, County Counsel
- Richard Shumsky, Chief Probation Officer
- Thomas L. Garthwaite, Director, Department of Health Services
- Marvin J. Southard, Director, Mental Health
- Darline P. Robles, Superintendent, Los Angeles County Office of Education

DEPARTMENT OF JUSTICE INVESTIGATION OF JUVENILE HALLS  
SETTLEMENT AGREEMENT - FY 2004-05 COUNTY ACTION PLAN COST ESTIMATES

FY 2004-05

Department & Funding-Related DOJ Recommendation			CAO
Health Services	Total Estimated Implementation Cost		Recommended Additional Funds
	Bud Pos	Annual NCC	8-Months
#8 - Staff - (primarily clinical nurses; three EKG machines)	23.6	1,763,000	1,175,000
#17 - Monitoring of Psychotropic Medication - pharmacy tech, pharmacists, and clerical)	5.0	311,000	207,000
#39 - Youth w/Special Needs to receive timely and adequate care -(medical records and clerical staff)	23.0	870,000	580,000
#44 - Eyeglasses to be provided timely - (optometrist, ophthalmologist, clinical LVN II; incl. eye equip)	2.5	250,000	167,000
Sub-total - Health Services	54.1	3,194,000	2,129,000
Mental Health			
#9 - Mental Health Screening - primarily psychiatric social wkrs; psychologists, and clerical (Includes \$5,000 for education and recreational supplies)	0.0	1,269,000	846,000
Sub-total - Mental Health	0.0	1,269,000	846,000
Probation			
#9 - Mental Health Screening - Detention Services Officer (DSO) positions	6.0	330,000	220,000
#21 - Housing of Youth w/Disabilities to be housed in appropriate settings - (DSO positions)	5.0	275,000	183,000
#22 - Suicide Prevention - Training	0.0	102,000	68,000
#29 - Use of Force - Training	0.0	203,000	135,000
#31 Independent Investigations Unit - Augment staff to improve timeliness of investigations.	8.0	668,000	446,000
#33 - Rehabilitation, including gender-specific services as applicable - (DSO positions)	14.0	821,000	547,000
#35 - Reduction of Youth-on-Youth Violence via behavior mgmt training - (DSO positions)	14.0	798,000	532,000
#36 - Youth Movement Between Halls does not interfere w/other svcs - (DSO positions)	4.0	220,000	147,000
#37 - Orientation for all youth to ensure effective communication - (DSO positions)	8.0	440,000	293,000
#38 - Effective Grievance System for all youth - (DSO positions)	5.0	275,000	183,000
#40 - Supervision/Transportation of Youth to Outside Medical Appointments - (DSO positions)	13.0	715,000	477,000
Sub-total - Probation	77.0	4,847,000	3,231,000
#56 - Project Monitors (annually for three years)	0.0	350,000	350,000
Audit Compliance Team (Sup DSOs, Sup Psychiatric Soc Wkr, Asst Nursing Director, Administration, ITC)	6.0	450,000	300,000
Sub-total - Project Monitors & Audit Compliance Team	6.0	800,000	650,000
TOTAL - COUNTY (NCC)	137.1	10,110,000	6,856,000

FY 2004-05 RECOMMENDED POSITIONS TO IMPLEMENT DEPARTMENT OF JUSTICE  
SETTLEMENT AGREEMENT ACTION PLAN  
SUBJECT TO DEPARTMENT OF HUMAN RESOURCES REVIEW

**Department of Health Services**

Ord. Pos.	Bud. Pos.	Classification
1	1.0	Clinic LVN II
15	14.6	Clinic Nurse II
3	3.0	Consulting Specialist, M.D.
21	21.0	Intermediate Typist-Clerk
3	3.0	Medical Records Technician II
1	1.0	Medical Technology Assistant Administrative Supervisor
1	0.5	Ophthalmologist
1	1.0	Optometrist
2	2.0	Pharmacist
3	3.0	Pharmacy Technician
1	1.0	Phlebotomy Technician I
<u>3</u>	<u>3.0</u>	Supervising Typist-Clerk
<b>55</b>	<b>54.1</b>	<b>Sub-Total Health Services</b>

**Department of Mental Health**

Ordinanced and budgeted positions already included in the FY 2004-05 Adopted Budget.

**Probation Department**

62	62.0	Detention Services Officer
1	1.0	Head, Administrative Investigations
1	1.0	Intermediate Typist-Clerk
5	5.0	Investigator II
6	6.0	Senior Detention Services Officer
1	1.0	Senior Probation Director (Investigative Unit "Oversight Monitor") *
<u>1</u>	<u>1.0</u>	Supervising Detention Services Officer
<b>77</b>	<b>77.0</b>	<b>Sub-Total Probation **</b>

*\* Service potentially provided by another department.*

**Audit Compliance Team (DHS/DMH/Probation Positions w/Probation Oversight)**

1	1.0	Assistant Nursing Director, Administration – DHS/JCHS
1	1.0	Intermediate Typist Clerk – Probation
3	3.0	Supervising Detention Services Officer – Probation
<u>1</u>	<u>1.0</u>	Supervising Psychiatric Social Worker – Mental Health
<b>6</b>	<b>6.0</b>	<b>Sub-Total Audit Compliance Team **</b>

**138 137.1 Total**

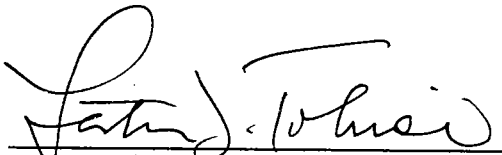
**\*\* Authority requested to fill 83 positions pursuant to County Code Section 6.06.020**

## ANALYSIS

This ordinance amends Title 6 - Salaries, of the Los Angeles County Code by:

- Adding and/or changing certain classifications and numbers of ordinance positions in the Departments of Health Services, Mental Health, and Probation.

OFFICE OF THE COUNTY COUNSEL

By:   
LESTER J. TOLNAI  
Principal Deputy County Counsel  
Management Services Division

LJT:mag  
10/14/04(requested)  
10/27/04(revised)



**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Title 6 - Salaries of the Los Angeles County Code, relating to the addition or changing of number of ordinance positions in the Departments of Health Services, Mental Health, and Probation.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Section 6.78.035 (Juvenile Court Health Services) is hereby amended to add the following classes and number of ordinance positions:

<b>ITEM NO.</b>	<b>NO. OF ORDINANCE POSITIONS</b>	<b>TITLE</b>
<u>1401A</u>	<u>3</u>	<u>MEDICAL RECORD TECHNICIAN II</u>
<u>4907A</u>	<u>1</u>	<u>MEDICAL TECHNOLOGY ASST ADMV SUPVR</u>
<u>5611A</u>	<u>1</u>	<u>OPTOMETRIST</u>
<u>5504A</u>	<u>3</u>	<u>PHARMACY TECHNICIAN</u>
<u>4977A</u>	<u>1</u>	<u>PHLEBOTOMY TECHNICIAN I</u>

**SECTION 2.** Section 6.78.035 (Juvenile Court Health Services) is hereby amended to change the number of ordinance positions for the following classes:

ITEM NO.	NO. OF ORDINANCE POSITIONS	TITLE
5295A	<del>1</del> <u>2</u>	ASST NURSING DIR,ADMINISTRATION
5094A	<del>13</del> <u>14</u>	CLINIC LICENSED VOCATIONAL NURSE II
5328A	<del>94</del> <u>109</u>	CLINIC NURSE II
5472J	<del>44</del> <u>47</u>	CONSULTING SPECIALIST,MD(PER SESS)
2214A	<del>10</del> <u>31</u>	INTERMEDIATE TYPIST-CLERK
5512A	<del>3</del> <u>5</u>	PHARMACIST
5477A	<del>5</del> <u>6</u>	PHYSICIAN SPECIALIST,MD
2219A	<del>4</del> <u>7</u>	SUPERVISING TYPIST-CLERK

**SECTION 3.** Section 6.86.010 (Mental Health) is hereby amended to change the number of ordinance positions for the following class:

ITEM NO.	NO. OF ORDINANCE POSITIONS	TITLE
9038A	<del>68</del> <u>69</u>	SUPVG PSYCHIATRIC SOCIAL WORKER

**SECTION 4.** Section 6.100.010 (Probation - Main) is hereby amended to add the following classes and number of ordinance positions:

ITEM NO.	NO. OF ORDINANCE POSITIONS	TITLE
<u>8645A</u>	<u>1</u>	<u>HEAD,ADMINISTRATIVE INVESTIGATIONS</u>
<u>2915A</u>	<u>5</u>	<u>INVESTIGATOR II</u>
<u>8657A</u>	<u>3</u>	<u>SUPVG DETENTION SERVICES OFFICER</u>

**SECTION 5.** Section 6.100.010 (Probation - Main) is hereby amended to change the number of ordinance positions for the following classes:

ITEM NO.	NO. OF ORDINANCE POSITIONS	TITLE
2214A	<del>362</del> <u>364</u>	INTERMEDIATE TYPIST-CLERK
8621A	<del>8</del> <u>9</u>	SENIOR PROBATION DIRECTOR

**Section 6.** Section 6.100.015 (Probation – Detention Bureau) is hereby amended to change the number of ordinance positions for the following classes:

ITEM NO.	NO. OF ORDINANCE POSITIONS	TITLE
8655A	<del>624</del> <u>686</u>	DETENTION SERVICES OFFICER
8657A	<del>147</del> <u>153</u>	SENIOR DETENTION SERVICES OFFICER
8659A	<del>64</del> <u>62</u>	SUPVG DETENTION SERVICES OFFICER

76R 352M 11/83

BOARD OF  
SUPERVISORS  
OFFICIAL COPY

COUNTY OF LOS ANGELES

**REQUEST FOR APPROPRIATION ADJUSTMENT**

DEPARTMENT OF

Chief Administrative Office

DEPT'S.

NO.

O60October 21, 2004**AUDITOR-CONTROLLER**

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. WILL YOU PLEASE REPORT AS TO ACCOUNTING AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF ADMINISTRATIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

**ADJUSTMENT REQUESTED AND REASONS THEREFOR****3-VOTE****SOURCES:****USES:****(SEE NEXT PAGE FOR APPROPRIATION DETAIL)****JUSTIFICATION:**

Reflects eight months of funding to enable the implementation of a corrective action plan at Probation juvenile halls, pursuant to the August 10, 2004 Board-approved settlement agreement with the Department of Justice.

*[Signature]* 10/27/04  
Assistant Division Chief

CHIEF ADMINISTRATIVE OFFICER'S REPORT

REFERRED TO THE CHIEF  
ADMINISTRATIVE OFFICER FOR

ACTION

✓  
RECOMMENDATION

AUDITOR-CONTROLLER

BY

No.

181OCT. 29 2004

APPROVED AS REQUESTED

AS REVISED

2004

CHIEF ADMINISTRATIVE OFFICER

APPROVED (AS REVISED):  
BOARD OF SUPERVISORS2004

BY

DEPUTY COUNTY CLERK

**SEND 5 COPIES TO THE AUDITOR-CONTROLLER**

COUNTY OF LOS ANGELES

**REQUEST FOR APPROPRIATION ADJUSTMENT**

DEPARTMENT OF

Chief Administrative Office

DEPT'S.

NO. O60October 21, 2004**AUDITOR-CONTROLLER**

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. WILL YOU PLEASE REPORT AS TO ACCOUNTING AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF ADMINISTRATIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

**ADJUSTMENT REQUESTED AND REASONS THEREFOR****3-VOTE****SOURCES:**

Provisional Financing Uses  
Salaries & Employee Benefits  
A01 - BS - 13758 - 1000  
\$6,856,000

Health Services - JCHS  
Intrafund Transfer:  
A01 - HS - 20600 - 6800  
\$2,194,000

Mental Health  
Intrafund Transfer  
A01 - MH - 20500 - 6800  
\$900,000

\$9,950,000**USES:**

Probation - Main  
Salaries & Employee Benefits  
A01 - PB - 17390 - 1000  
\$560,000

Probation - Main  
Services and Supplies  
A01 - PB - 17390 - 2000  
\$186,000

Probation - Detention Services  
Salaries & Employee Benefits  
A01 - PB - 17150 - 1000  
\$2,582,000

Probation - Detention Services  
Services & Supplies  
A01 - PB - 17150 - 2000  
\$3,528,000

Health Services - JCHS  
Salaries & Employee Benefits  
A01 - HS - 20600 - 1000  
\$1,997,000

Health Services - JCHS  
Services & Supplies  
A01 - HS - 20600 - 2000  
\$107,000

Health Services - JCHS  
Fixed Assets - Equipment  
A01 - HS - 20600 - 6030  
\$90,000

Mental Health  
Salaries & Employee Benefits  
A01 - MH - 20500 - 1000  
\$895,000

Mental Health  
Services & Supplies  
A01 - MH - 20500 - 2000  
\$5,000

\$9,950,000

CHIEF ADMINISTRATIVE OFFICER'S REPORT

REFERRED TO THE CHIEF  
ADMINISTRATIVE OFFICER FOR

ACTION

RECOMMENDATION

APPROVED AS REQUESTED

AS REVISED

2004

CHIEF ADMINISTRATIVE OFFICER

AUDITOR-CONTROLLER

BY

APPROVED (AS REVISED):  
BOARD OF SUPERVISORS

2004

BY

DEPUTY COUNTY CLERK

No. 181OCT. 29 2004

SEND 5 COPIES TO THE AUDITOR-CONTROLLER

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE LOS ANGELES COUNTY DEPARTMENTS OF**

**MENTAL HEALTH**

**HEALTH SERVICES**

**PROBATION**

**LOS ANGELES COUNTY OFFICE OF EDUCATION**

**AND**

**THE LOS ANGELES COUNTY**  
**CHIEF ADMINISTRATIVE OFFICE**

**Memorandum of Understanding (MOU)--Between the Department of Mental Health (DMH), the Department of Health Services (DHS), the Los Angeles County Office of Education (LACOE), the Probation Department and the Los Angeles County Chief Administrative Office.**

**I. Purpose of the Memorandum of Understanding**

This Memorandum of Understanding (MOU) is entered into between the Department of Mental Health (DMH), the Department of Health Services (DHS-JCHS), the Los Angeles County Office of Education (LACOE), the Probation Department and the Chief Administrative Office to implement and ensure substantial compliance with the recommendations submitted by the United States Department of Justice (DOJ) in their March 9, 2004 memo to County Counsel.

**II. Provisions**

The term of the MOU shall begin on July 15, 2004 and shall remain in effect until June 30, 2005. This MOU shall automatically be renewed annually. Any such renewal shall be for the next County fiscal year. If any party is requesting modification(s), they shall inform the other parties of their desire to modify the MOU in writing at least 60 days prior to the natural renewal of the MOU, and shall specially identify the term(s) or condition(s) which said party desires to modify. Amendments shall be agreed to by all parties and the Chief Administrative Officer. This document remains viable and the changing based upon the needs for additions, modifications or deletions discovered through experience.

**III. Premises**

The specified agree that the implementation of these recommendations will lead to improved services to the youth in the juvenile halls. Further, it will address the concerns that have been raised by the DOJ during their reviews, which were initiated by their letter to the Board of Supervisors on November 8, 2000. Since that time the DOJ attorneys and their consultants have conducted several visits to the juvenile halls. During this period, the County has committed significant resources, implemented policy changes, and modified practices to respond to potential deficiencies.

In response to the Board order of July 17, 2001, the impacted Departments were directed to develop MOUs between the Probation Department and DHS, DMH, and LACOE to ensure the appropriate delivery of services to youth in the juvenile halls and camps. While there are a number of issues that were-articulated in the

DOJ March 9, 2004 memo that were also addressed in the previous MOUs (attachment A), there are some differences. Further, the previous MOUs were separate MOUs between Probation and the other agencies.

This MOU seeks to establish an administrative oversight committee with an expanded, collective responsibility to ensure the effective implementation of a corrective action plan that will address the specific concerns now articulated by the DOJ. Additionally, this MOU shall formalize the commitment to ensure that the progress is continued and good faith effort is made to provide the available resources to fully comply with each of the DOJ recommendations.

The general areas of concern for the DOJ are:

- Mental health
- Juvenile justice and confinement practices
- Medical care
- Education
- Safety and sanitation
- Quality assurance

It is the intent of this MOU for the agencies to achieve substantial compliance with the DOJ recommendations. The County agrees with the DOJ that noncompliance with mere technicalities, or temporary failure to comply during a period of otherwise sustained compliance, shall not constitute failure to maintain substantial compliance.

#### **IV. Agency Roles**

The Chief Administrative Office will monitor this agreement, to facilitate required actions and ensure continued compliance by impacted departments/agencies.

The Probation Department has been named as the lead agency and will coordinate the response efforts of all four Departments. Each agency has named a senior-level manager to coordinate their Department's efforts and serve on the Joint Interagency DOJ Response Task Force.

The Probation Department shall ensure that the appropriate level of security and safety are provided for minors and staff in the juvenile halls as mandated in the Welfare and Institutions code and the standards of the Board of Corrections. Further, Probation shall oversee the provision of effective health, mental health, and education services to the minors as well as operating facilities that meet appropriate fire, health, and safety standards.

The Department of Mental Health shall ensure that the appropriate level of mental health care shall be provided to youth in juvenile halls; this will be accomplished by the provision of mental health screening and assessment of



new admissions to the juvenile hall, and the appropriate treatment services that are required.

The Department of Health Services shall ensure that the appropriate level of health care is provided to youth in the juvenile halls; this will be accomplished through a health screening of new admissions to the halls and any required remedial or emergency medical services throughout the minor's detention.

The Los Angeles County Office of Education shall ensure that appropriate education services are provided to minors in the juvenile halls; this will be accomplished by compliance with mandates expressed in the education code.

County Counsel shall continue to provide liaison and facilitate communication with the United States Department of Justice to ensure an effective implementation of their recommendations.

#### **V. Interagency Steering Committee (ISC)**

The Agencies referenced in this MOU agree to develop an interagency steering committee (ISC) made up of the Department heads (or their senior-manager-level designee) to ensure that the recommendations are fully implemented. The Chief Probation Officer shall chair the interagency steering committee and will ensure that quarterly progress reports are provided to the Board of Supervisors.

This Interagency Steering Committee shall meet at least quarterly and provide oversight, mutual accountability, and effective collaboration. The first quarterly meeting was held on June 15, 2004. The next scheduled meeting is September 15, 2004. The Steering committee shall receive monthly reports from the Interagency Operations Committee that had been previously established to implement action plans to address past concerns. The Interagency Operations Committee shall now be directed to create a plan that specifically addresses the issues in this MOU and that reflect the concerns of the DOJ in their March 9, 2004 memo. The action plan should be submitted to the Steering Committee by June 3, 2004 for approval.

#### **V. Outcomes**

The following constitute the specific DOJ recommendations:

##### **MENTAL HEALTH CARE**

- 1. Staffing:** The County shall staff the Juvenile Halls with sufficient qualified mental health professionals to meet the serious mental health needs of the

Juvenile Halls' population. Staff shall be sufficient to screen incoming youth; complete specialized mental health assessments; timely and accurately diagnose mental illness, substance abuse disorders, and mental retardation; provide ongoing treatment; respond to crisis situations and provide follow-up care in a timely manner; coordinate with other staff to meet youths' needs; monitor youth on psychotropic medication; track laboratory results; and develop treatment plans where appropriate.

**2. Screening:** The County shall develop and implement policies, procedures, and practices for initial mental health screening to allow the identification of previously diagnosed and potentially existing mental health or substance abuse disorders, including potential suicidality.

**3. Assessments:** The County shall develop and implement policies, procedures, and practices for mental health assessments to timely and accurately diagnose mental illness, substance abuse disorders, and mental retardation, including potential suicidality. The County shall ensure that youth whose serious mental health and developmental disability needs cannot be met at the facility are transferred to settings that meet their needs.

**4. Treatment planning:** The County shall develop and implement policies, procedures, and practices for interdisciplinary treatment planning for youth with serious mental health needs, which would allow for the ongoing identification, goal setting, and monitoring of youths' target symptoms.

**5. Case Management:** The County shall develop and implement policies, procedures, and practices for case management which would allow for the

implementation of the treatment plans and ensure that treatment planning follows each youth from facility to facility.

**6. Counseling Services:** The County shall develop and implement policies, procedures, and practices to ensure the availability of sufficient and adequate counseling services that meet the goal of ameliorating target symptoms of identified mental illness.

**7. Record keeping:** The County shall develop and implement a system to provide for adequate tracking of laboratory results and response to medication including side effects, adequate documentation of mental health services, and compilation of complete records. The system shall include documentation of the goals of mental health counseling and progress toward those goals.

**7. Individualized Behavior Modification:** The County shall develop and implement individualized behavior modification programs for individual youth where appropriate.

**8. Substance Abuse:** The County shall develop and implement policies, procedures, and practices to address substance use disorders appropriately.

**9. Monitoring of Psychotropic Medication:** The County shall develop and implement policies, procedures and practices to ensure that psychotropic medications are prescribed, distributed, and monitored properly and safely. The County shall provide training to nursing staff regarding the side effects of psychotropic medication and require nursing staff to document the side effects that youth are experiencing.

10. **Restraints:** The County shall revise policies, procedures, and practices to limit uses of restraints for mental health crises to circumstances necessary to protect the youth and other individuals, for only as long as is necessary, and to accomplish restraint in a safe manner.
11. **Access to Care:** The County shall develop and implement policies, procedures, and practices that allow youth to access mental health services without interference from custody staff, except as dictated by institutional safety needs.
12. **Staff Understanding of Mental Health Needs:** The County shall ensure that all staff working with youth residents have the skills to understand behaviors of, engage in appropriate interactions with, and respond to needs of youth with mental illness.
13. **Housing of Youth with Disabilities:** The County shall develop and implement policies, procedures, and practices to ensure that youth with mental illness and developmental disabilities are housed in settings that are no more restrictive than safety and security require.

#### **SUICIDE PREVENTION**

15. **Training:** The County shall ensure that all Juvenile Hall staff who work with youth are sufficiently trained in suicide prevention so that they understand how to prevent and respond to crises, including practical matters such as location and use of a cut-down tool in the event of a youth's attempted hanging.
16. **Sharing of Information:** The County shall develop and implement policies, procedures, and practices to ensure that arresting officers, probation,

medical, and mental health staff share appropriate information regarding potentially suicidal or self-harming youth, and that appropriate outside officials and family member are notified following a suicide attempt.

**17. Assessment:** The County shall ensure that licensed mental health professionals provide timely assessment and daily reassessment of youth deemed at risk for suicidal behaviors, or more frequent reassessment as appropriate, as well as appropriate follow-up assessment once youth are discharged from suicide precautions.

**18. Management of Suicidal Youth:** The County shall develop and implement policies, procedures, and practices to ensure that mental health staff are sufficiently involved with probation staff in the management of youth exhibiting suicidal behaviors, including creation of individual behavior modification programs, and decisions about appropriate clothing, bedding, and housing.

**19. Care for Self-Harming Youth:** The County shall develop a continuum of services and responses to meet the needs of self-harming youth, including revised supervision practices to minimize incidents of self-harm, and appropriate access to hospital services and specialized residential facilities.

#### **JUVENILE CONFINEMENT PRACTICES**

**20. Staffing:** The County shall provide sufficient staff supervision to keep residents reasonably safe from harm and allow rehabilitative activities to occur successfully.

**21. OC Spray:** The County shall develop and implement policies, procedures, and practices to restrict use of oleoresin capsicum (OC) spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent wherever possible the use of OC spray on populations for whom its use is contraindicated or contrary to doctors' instructions, and ensure that decontamination occurs properly.

**22. Uses of Force:** The County shall develop and implement a comprehensive policy and accompanying practices governing uses of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth.

**22. Supervision of Youth:** The County shall ensure that staff who work with youth residents have the knowledge and skills needed to effectively manage youth, including de-escalation techniques, crisis counseling, youth development, and supervision.

**23. Child Abuse Investigation:** The County shall develop and implement a system for timely, thorough, and independent investigation of alleged child abuse.

**24. Use of Force Review:** The County shall develop and implement a system for review of uses of force and alleged child abuse by senior management so that they may use the information gathered to improve

training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.

**25. Rehabilitation:** The County shall provide adequate rehabilitative programming; a facility-wide behavioral management system that is implemented throughout the day, including school time; and gender-specific programming, where appropriate.

**26. Group Punishment:** The County shall ensure that staff do not engage in group punishment implicating individual rights of which juveniles may not be deprived without due process protections, in response to individual youth's behavior violations, absent exigent security concerns.

**27. Reduction of Youth-On-Youth Violence:** The County shall develop and implement a strategy for reducing youth-on-youth violence that includes training staff in appropriate behavior management, recognition and response to gang dynamics, and violence reduction techniques.

**28. Youth Movement Between Halls:** The County shall ensure that movement of youth residents between facilities does not interfere with ongoing testing or provision of medical, mental health, or educational services, unless court proceedings, treatment, or security needs require such movement.

**29. Orientation:** The County shall ensure that all youth, including those who are disabled or Limited English Proficient receive orientation sufficient to communicate important information such as how to access the grievance system, medical care and mental health services, or report staff misconduct.

**30. Grievance System:** The County shall develop an effective grievance system to which youth have access when they have a complaint, ensure that grievances may be filed confidentially, and ensure that they receive appropriate follow-up, including informing the author of the grievance about its outcome and tracking implementation of resolutions.

#### **MEDICAL CARE**

**31. Youth with Special Needs:** The County shall develop and implement a system to ensure that youth with chronic illnesses, serious communicable diseases, physical disabilities, terminal illnesses, serious mental health needs, developmental disabilities, and those who are pregnant receive timely and adequate medical care.

**32. Outside Appointments:** The County shall ensure that youth scheduled for medical appointments outside the institution are transported to these appointments.

**33. Medical Records Transfer:** The County shall develop and implement an effective system for transferring medical records from one facility to another so that youth receive timely and consistent medical services.

**34. Confidentiality:** The County shall develop and implement policy, procedures, and appropriate training of medical and correctional staff to ensure privacy and confidentiality in all medical encounters, except as dictated by institutional safety needs and due process rights of youth.



**35. Access to Care:** The County shall develop and implement policy, procedures and practices to ensure that probation staff do not deter youth from requesting medical care.

**36. Eyeglasses:** The County shall ensure that youth in need of eyeglasses receive them in a timely manner.

**37. Hygiene:** The County shall ensure that medical and pharmaceutical areas are maintained hygienically, and shall establish an infection control program.

### **EDUCATION**

**38. Special Education:** The County shall develop and implement a systematic, comprehensive process to locate, screen, identify and provide appropriate services to all youth through age 21 with disabilities who require special education services.

**39. Related Services:** The County shall provide related services to special education students with needs for these services.

**40. Parent Participation:** The County shall utilize a range of methods to facilitate parent participation in Individualized Educational Program (IEP) meetings.

**41. Transition Planning and Services:** The County shall provide adequate transition planning and services for all eligible youth with disabilities.

**42. Materials, Space and Equipment:** The County shall ensure that all classes, including those held inside residential units, have appropriate materials, space, and equipment.

#### **SAFETY AND SANITATION**

**43. Security:** The County shall ensure that staff and contractors do not leave materials or tools that may be used as weapons or escape devices.

**44. Fire Safety:** The County shall ensure adequate smoke and fire alarm coverage that communicates with appropriate entities; minimize fire-loading; light and mark egress routes adequately; and eliminate electrical hazards.

**45. Food Safety:** The County shall institute a plan for food preparation, storage, service, and kitchen repairs that eliminates risk of food borne illness.


**46. Medically Necessary Diets:** The County shall ensure that those youth requiring special medical diets receive such diets as ordered.


**47. Youth Hygiene:** The County shall ensure that youth have adequate hygiene opportunities, including sanitary personal hygiene products, linens, bedding and clothing.

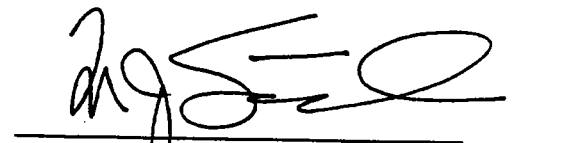
#### **QUALITY ASSURANCE SYSTEM**


**48. Quality Assurance:** The County shall institute quality assurance systems to ensure implementation of the provisions addressed in this MOU.

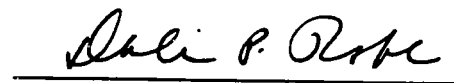
IN WITNESS HEREOF, the parties hereto have executed this Agreement as of  
this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

  
DAVID JANSSEN  
CHIEF ADMINISTRATIVE OFFICER  
COUNTY OF LOS ANGELES

  
RICHARD SHUMSKY  
CHIEF PROBATION OFFICER  
PROBATION DEPARTMENT

  
MARVIN J. SOUTHARD, DSW  
DIRECTOR  
DEPARTMENT OF MENTAL HEALTH

  
THOMAS GARTHWAITE M.D.  
DIRECTOR  
DEPT. OF HEALTH SERVICES

  
DARLENE ROBLES  
SUPERINTENDENT  
LOS ANGELES COUNTY  
OFFICE OF EDUCATION